



2. Venue is proper within the jurisdiction of the United States District Court for the Southern District of Texas, Houston Division, under 28 U.S.C. § 1391 and Section 706(f)(3) of Title VII, 42 U.S.C. § 2000e-5(f)(3).

3. The employment actions alleged to be unlawful occurred in Atascosita, Harris County, Texas, which is within the jurisdiction of this Court.

### **PARTIES**

4. Plaintiff, Equal Employment Opportunity Commission (“Commission”), is the agency of the United States of America charged with the administration, interpretation and enforcement of Title VII, and is expressly authorized to bring this action by Section 706(f)(1) and (3) of Title VII, 42 U.S.C. § 2000e-5(f)(1) and (3).

5. At all relevant times, Defendant, Eddie’s Americana Cuisine Concepts, Inc., has been a Texas limited liability company doing business in Harris County, State of Texas. Defendant may be served through its registered agent for service of process, Edilerman Molina, 26033 Royal Emerald Lane, Kingwood, Texas 77339.

6. At all relevant times, Defendant has continuously had more than fifteen (15) employees.

7. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Section 701(b), (g) and (h) of Title VII, 42 U.S.C. Sections 2000e(b), (g) and (h).

### **ADMINISTRATIVE PROCEDURES**

8. More than thirty (30) days prior to the institution of this lawsuit, Alyssa Valadez filed a charge with the Commission alleging violations of Title VII by Defendant.

9. On November 27, 2018, the Commission issued Defendant a Letter of Determination finding reasonable cause to believe that it violated Title VII, and inviting Defendant to join the Commission in informal methods of conciliation to endeavor to eliminate the unlawful employment practices and provide appropriate relief.

10. The Commission communicated with Defendant to provide it the opportunity to remedy the discriminatory practices described in the Letter of Determination.

11. On April 5, 2019, the Commission issued Defendant a Notice of Failure of Conciliation, advising that the Commission was unable to secure from Defendant a conciliation agreement acceptable to the Commission.

12. All conditions precedent to the institution of this lawsuit have been fulfilled.

### **STATEMENT OF THE CLAIMS**

13. Since at least January 2017, Defendant has engaged in unlawful employment practices at its Atascosita restaurant in violation of Sections 703(a) of Title VII, 42 U.S.C. §§ 2000e-2(a). Specifically:

A. Alyssa Valadez was employed by Defendant as a Hostess/Busser, from approximately May 30, 2017 until October 13, 2017. Ms. Valadez was 16 years old at the time of her employment with Defendant.

B. While Ms. Valadez was an employee of Defendant, Chef Molina subjected her to routine, unwelcome requests for dates, comments on her appearance, and sexual touching.

- C. Sometime around June 2017, Ms. Valadez complained to Assistant Manager Sharyn Ingano about an incident of inappropriate touching by Chef Molina.
  - D. Following Ms. Valadez's complaint, Defendant failed to take prompt corrective action to stop the alleged conduct and prevent future harassment from occurring.
  - E. On or about September 20, 2017, while making photocopies in Defendant's office and over Ms. Valadez's objections, Chef Molina cornered her, hugged her, and ran his hand down her back to her buttocks.
  - F. On or about October 10, 2017, Chef Molina grabbed Ms. Valadez's buttocks and tried to kiss her. Later the same day, he grabbed Ms. Valadez by her shirt and looked inside.
  - G. On October 13, 2017, because of the escalation of the touching and other inappropriate and unwelcome conduct by Chef Molina, Ms. Valadez resigned from her employment with Defendant.
  - H. Chef Molina subjected other female employees of Defendant to a similar hostile work environment based on sex. During slow periods of the work day, Chef Molina regularly brushed up against the women's bodies, often touching their breasts and other intimate body parts. He made unwelcome and inappropriate sexual comments to the women, including comments about their bodies and appearance.
14. The unlawful practices complained of in paragraph 13 above have had the effect of depriving Ms. Valadez and other female employees of Defendant whom Chef Molina sexually harassed of equal employment opportunities because of their sex, in violation of Title VII.
15. The unlawful employment practices complained of herein were intentional.

16. The unlawful employment practices complained of herein were done with malice or with reckless indifference to the federally protected rights of Ms. Valadez and other female employees sexually harassed by Chef Molina.

**PRAYER FOR RELIEF**

WHEREFORE, the Commission respectfully requests that this Court:

- A. Grant a permanent injunction enjoining Defendant, its owners, officers, agents, servants, employees, attorneys, successors, assigns, and all persons in active concert or participation with it, from harassing employees based on sex;
- B. Order Defendant to institute and carry out policies, practices and programs which provide equal employment opportunities for women, and which eradicate the effects of its past and present unlawful employment practices;
- C. Order Defendant to make whole Ms. Valadez by providing her appropriate backpay with prejudgment interest, in amounts to be determined at trial, and other affirmative relief necessary to eradicate the effects of its unlawful employment practices;
- D. Order Defendant to make whole Ms. Valadez and other female employees of Defendant whom Chef Molina sexually harassed by compensating them for past and future pecuniary losses resulting from the unlawful employment practices complained herein, in amounts to be determined at trial.
- E. Order Defendant to make whole Ms. Valadez and other female employees of Defendant whom Chef Molina sexually harassed by compensating them for past and future nonpecuniary losses resulting from the unlawful practices complained of herein, including but not limited to, emotional pain, suffering, inconvenience, loss of enjoyment of life and humiliation, in amounts to be determined at trial;

- F. Order Defendant to pay punitive damages to Ms. Valadez and other female employees of Defendant whom Chef Molina sexually harassed, in amounts to be determined at trial;
- G. Award the Commission its costs of this action; and
- H. Grant such further relief, legal or equitable, as the Court deems necessary and proper in the public interest.

### **JURY TRIAL DEMAND**

The Commission requests a jury trial on all questions of fact raised by its complaint.

Respectfully submitted,

EQUAL EMPLOYMENT OPPORTUNITY  
COMMISSION

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